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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,559	05/30/2006	Luis Anglada	2294-0125PUS1	8249
2292 7590 09/17/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER MOORE, SUSANNA				
ART UNIT		PAPER NUMBER		
1624				
NOTIFICATION DATE		DELIVERY MODE		
09/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/562,559

Applicant(s)

ANGLADA ET AL.

Examiner

SUSANNA MOORE

Art Unit

1624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 33-45 and 47-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 8, 10, 12, 14, 16, 18, 20, 23, 25 and 46 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 9, 11, 13, 15, 17, 19, 21, 22, 24 and 26-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/23/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

This Office Action is in response to the amendments submitted on 6/23/2008, with regards to the Nonfinal Office Action mailed, 3/21/2008. In summary, Claims 3-7 are currently pending and under consideration. This is a Final Office Action since the new rejections are necessitated by the amendments.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/23/2008 was filed after the mailing date of the NonFinal Office Action mailed on 3/31/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The objection to the disclosure for the term "prop-2-ynyl" is withdrawn based on the amendments.

The substitute specification filed 6/23/2008 has been entered because it conforms to 37 CFR 1.125(b).

Claim Objections

The objection of claim 22 because of the following informalities: the term "ethanesulfonamida" is misspelled, see line 14 is withdrawn based on the amendments.

The objection of claim 24 because of the following informalities: the term "cyclopentylmethansulfonamide" is withdrawn based on the amendments.

The objection of claim 25 because of the following informalities: the term "carbonel" is withdrawn based on the amendments.

The objection of claims 22, 24 and 26-32 under 37 CFR 1.75(c) as being in improper form is withdrawn based on the amendments.

Claims 3, 6, 9, 11, 13, 15, 17, 19, 21, 22, 24 and 26-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This application contains claims 33-45 and 47-51 are drawn to an invention nonelected without traverse. A complete reply to the Final Office Action must include cancellation of nonelected subject matter or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4, 5, 7, 8, 10, 12, 14, 16, 18, 20, 22, 23, 25-29, 31, 32 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The terms "prop-2-ynyl" and "2-propynyl" are vague. Does Applicant intend "propenyl" or "propynyl?" One of these terms is found in the following places:

claim 22, lines 12, 18-19 and 33; claim 26, lines 11 and 13; claim 27, lines 11 and 13; claim 28, lines 11 and 13; claim 29, lines 11 and 13; claim 31, lines 7 and 13; and claim 32, lines 11 and 13.

Applicant did not address these rejections. Thus, the rejection is maintained.

Regarding claims 1, 2, 4, 5, 7, 8, 10, 12, 14, 16, 18, 20, 23, 25 and 46, the subformula at the bottom of page 3, which was originally defined as part of R₁ and R₂ combined is vague. The n and R₈ variable have been removed by amendment, which are part of this subformula. Thus, said claims are indefinite.

The rejection of claim 46 under 35 U.S.C. 112, second paragraph, as being indefinite for the phrase "in association" is withdrawn based amendments.

The rejection of claims 1, 2, 5, 8, 10, 12, 14, 16, 18, 20 and 46 under 35 U.S.C. 112, second paragraph, as being indefinite for the divalent alkene groups is withdrawn based on the amendments.

The rejection of claims 1-21 and 46 under 35 U.S.C. 112, first paragraph, because of the scope of enablement is withdrawn based on the amendments.

Claim Rejections - 35 USC § 103

The rejection of claims 1, 5, 6, 8-21, 24, 26-32 and 46 under 35 U.S.C. 103(a) as being unpatentable over Dusza et. al. (US 4654347) is withdrawn based on the remarks.

The rejection of claims 1, 5, 6, 8-21, 24, 26-32 and 46 under 35 U.S.C. 103(a) as being unpatentable over Dusza et. al. (EP 129847) is withdrawn based on the remarks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSANNA MOORE whose telephone number is (571)272-9046. The examiner can normally be reached on M-F 8:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna Moore/
Examiner, Art Unit 1624

/Brenda L. Coleman/
Primary Examiner, Art Unit 1624